

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 4/22/2018 5:48:43 PM
To: Bolen, Brittany [bolen.brittany@epa.gov]; Darwin, Veronica [darwin.veronica@epa.gov]; Brown, Byron [brown.byron@epa.gov]
Subject: RE: Responses to Interagency Comments on RMP Reconsideration Rule

(Please forward to Steve Cook if he has been involving himself in this matter.)

From: Schwab, Justin
Sent: Sunday, April 22, 2018 1:40 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: Responses to Interagency Comments on RMP Reconsideration Rule

Deliberative Process / Ex. 5

From: Schwab, Justin
Sent: Sunday, April 22, 2018 1:34 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: FW: Responses to Interagency Comments on RMP Reconsideration Rule

On the table of interagency comments and responses, **Deliberative Process / Ex. 5**

From: Averback, Jonathan
Sent: Thursday, April 12, 2018 2:49 PM
To: Doster, Brian <Doster.Brian@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: FW: Responses to Interagency Comments on RMP Reconsideration Rule

Justin –

Attached you will find a table listing comments received in the interagency process as well as copies of the RIA and proposed rule with edits reflecting the comments and responses. I worked a bit with the program to get them to offer compromise language on a few points rather than reject comments (see comments **Ex. 5 Deliberative Process (DP)**). There's few flat out rejections.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Jon Averback
Senior Attorney, EPA OGC
Air & Radiation Law Office

From: Belke, Jim

Sent: Thursday, April 12, 2018 2:02 PM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Franklin, Kathy <Franklin.Kathy@epa.gov>; Averbach, Jonathan <Averbach.Jonathan@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>

Subject: Responses to Interagency Comments on RMP Reconsideration Rule

Hi Gerain,

Here are our responses to the interagency comments on the RMP Reconsideration rule and RIA. The comment response table numbers the comments/responses sequentially in the order that they appeared in the document we received from OMB, except that all the comments on the rule are grouped together in one table, and the comments on the RIA are grouped together in a separate table below the rule comments (RIA comment numbering starts over with number 1), so the numbering in the tables will not exactly match the numbering in the Word document that OMB sent over.

In both the rule and RIA, we added sidebar comments that indicate the interagency comment numbers that are being addressed with the edits adjacent to the sidebar comment. The numbers correspond to our comment tables, not the OMB document.

There are also some edits in the draft rule and RIA that result from our own changes – most of these were fixes to minor errors, but we also addressed the verbal comment we received [redacted] **Deliberative Process / Ex. 5** and labeled this as an EPA edit. [redacted] **Deliberative Process / Ex. 5**

Lastly, Jim Laity has asked to see some of the third party audit studies that we discussed during the DOJ call. I will send a few of those to you in another email and hopefully you can forward them over to OMB. I won't send you everything on third party audits that we have in the docket, because there is quite a bit of material, and I didn't get the sense that he wanted to see everything, just some of the more prominent studies.

Let me know if you have questions.

Jim

From: Lovell, Will (William) [lovell.william@epa.gov]
Sent: 9/11/2018 1:01:33 PM
To: Darwin, Veronica [darwin.veronica@epa.gov]
Subject: RE: draft cabinet report

The only other entry is pharma waste:

1. **PHARMACEUTICAL WASTE:** Some pharmaceuticals are regulated as hazardous waste under the Resource Conservation and Recovery Act when discarded. Healthcare (and associated) facilities that generate hazardous waste pharmaceuticals have reported having difficulties complying with this regulation for a number of reasons. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Timing: **Ex. 5 Deliberative Process (DP)**

Contact: Steven Cook, Office of Land and Emergency Management, Cook.Steven@epa.gov

From: Darwin, Veronica
Sent: Tuesday, September 11, 2018 9:00 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: draft cabinet report

Thank you. Can you send me the entire OLEM piece? Or is this it for OLEM? Thanks!

From: Lovell, Will (William)
Sent: Monday, September 10, 2018 8:21 PM
To: Darwin, Veronica <darwin.veronica@epa.gov>
Subject: RE: draft cabinet report

1. **COAL COMBUSTION RESIDUALS:** In response to petitions for rulemaking from the utility industry, EPA decided in September 2017 to reconsider provisions of the final 2015 rule regulating the disposal of coal combustion residuals (CCR) as nonhazardous waste in light of the issues raised in the petitions and the Water Infrastructure Improvements for the Nation Act (WIIN Act), which includes provisions authorizing state regulatory programs and providing EPA new oversight authority. EPA issued a proposed rule to modify several provisions of the 2015 CCR rule to respond to a June 2016 voluntary remand ("remand rule"). In addition to the specific issues subject to the remand, EPA has drafted additional proposed changes to the CCR rule as part of the remand rule to address many of the issues stakeholders raised in their petitions. On March 1, 2018, EPA proposed the first of two rules (Phases 1 and 2) that amend the 2015 CCR rule. On July 17, EPA issued the Phase 1 partial final rule.
Timing: EPA is evaluating the impact of recent court decisions on this rulemaking.
Contact: Steven Cook, Office of Land and Emergency Management, Cook.Steven@epa.gov
2. **RISK MANAGEMENT PROGRAM:** The original Risk Management Program (RMP) rule was issued in 1996, and has been modified 5 times. The prior administration issued a rule to amend the RMP regulations that raised concerns related to national security, inconsistencies with the Process Safety Management (PSM) standards issued by OSHA, and unnecessary burdens on local communities. In March 2017, EPA granted reconsideration of the RMP rule in response to petitions from two industry groups and one from a group of states and issued a 90-day administrative stay of the rule. On May 17,

EPA issued a reconsideration proposed rule. The proposed rule: (1) rescinds requirements for third-party audits, STAA, root cause analysis; (2) revises the requirements for local coordination and emergency exercises; (3) rescinds requirements for information availability while strengthening provisions that require a public meeting after an incident; and (4) extends compliance dates. On July 24, EPA published a Federal Register notice of data availability (NODA) extending the comment period from July 30 to August 23.

Timing: EPA is evaluating the impact of recent court decisions on this rulemaking.

Contact: Steven Cook, Office of Land and Emergency Management, Cook.Steven@epa.gov

From: Darwin, Veronica

Sent: Monday, September 10, 2018 1:40 PM

To: Lovell, Will (William) <lovell.william@epa.gov>

Subject: draft cabinet report

Hi there!

Can you send me the most recent draft of the weekly cabinet report so I can forward it to OLEM for review/update?

Thanks!

Veronica